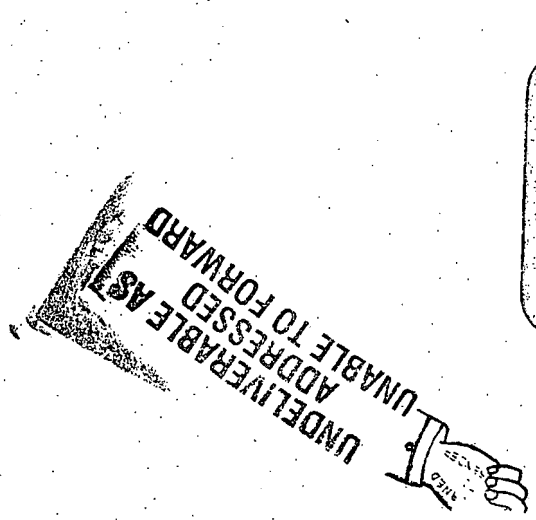
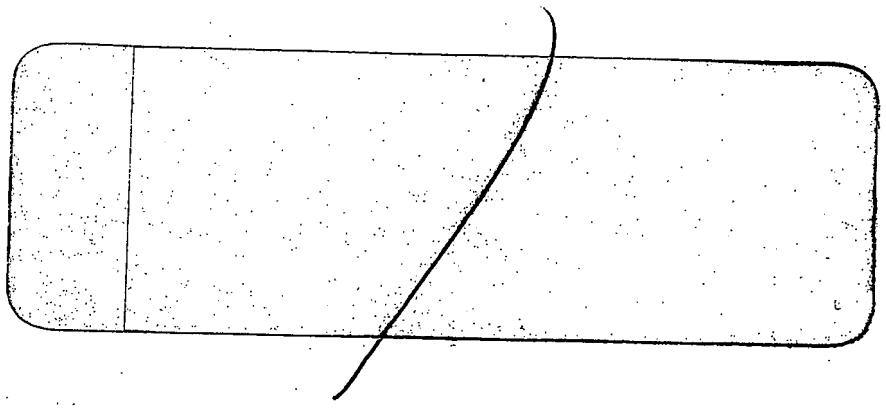
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,564	12/01/2000	Yoshiya Nonaka	P107156-00031	1817

7590 04/21/2004

NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP
Metropolitan Square
G Street Lobby - Suite 330
655 Fifteenth Street, N.W.
Washington, DC 20005-5701

EXAMINER	
TRAN, ELLEN C	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 04/21/2004

ase find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/726,564	NONAKA ET AL.	
	Examiner	Art Unit	
	Ellen C Tran	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1-6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication: original application filed 1 December 2000 with recognition of a foreign priority date of 8 December 1999.

2. Claims 1-6 are currently pending in this application. Claims 1, 3, and 5 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Newell U.S. Patent No. 5,651,064 (hereinafter '064).

As to independent claim 1, "A method for recording/reading information day a using a first recording medium and a second recording medium each having its own identification data, said method comprising the steps of:" and **"encrypting the first encrypted information data in accordance with an identification data of the second recording medium, so as to produce second encrypted information data; recording the second encrypted information data in the second recording medium"** and **"restoring the second encrypted information data into the first encrypted information data and recording the information data in the first recording medium"** is taught in '064 col. 4, lines 40-47;

"reading first encrypted information data encrypted in accordance with an identification data of the first recording medium and recorded in said first recording medium" is shown in '064 col. 3, lines 5-12;

"reading the second encrypted information data from the second recording medium and decoding the second encrypted information data in accordance with the identification data of the second recording medium" is disclosed in '064 col. 3, lines 43-51.

As to dependent claim 2, "wherein mutual confirmation is performed between the first recording medium and the second recording medium to confirm whether these recording mediums are formally registered, an encrypted information data is read out from the first recording medium or the second recording medium if the mutual confirmation shows that the first and second recording mediums are formally registered" is taught in '064 col. 3, lines 65-67 ("confirmation" same as "polling").

As to independent claim 3, this claim is directed to the system of claim 1 and is rejected along the same rationale.

As to dependent claim 4, this claim is substantially similar to claim 2 and is rejected along the same rationale.

As to independent claim 5, "A system for recording/reading information data, wherein second encrypted information data encrypted in accordance with identification data of a second recording medium is read out from the second recording medium" and **"the system comprising: reading means for reading**

second encrypted information data from the second recording medium" and **"decoding means for decoding the second encrypted information data in accordance with identification data of the second recording means"** is taught in '064 col. 3, lines 43-51;

"the second encrypted information data is then recorded in a first recording medium" and **"recording means for restoring the second encrypted information data into the first encrypted information data so as to record the information data in the first recording medium"** is shown in '064 col. 4, lines 40-47.

As to dependent claim 6, "wherein the reading means comprises: confirmation means for performing a mutual confirmation between the first recording medium and the second recording medium; allowance issuing means for issuing an allowance for reading the second encrypted information data when the confirmation means confirms that the first recording medium and the second recording medium are all formally registered" is taught in '064 col. 3, lines 65-67 ("confirmation" same as "polling").

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (703) 305-8917. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

Ellen Tran
Patent Examiner
Technology Center 2134
15 April 2004

NORMAN M. WRIGHT
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 09/726,564	Applicant(s)/Patent Under Reexamination NONAKA ET AL.	
	Examiner Ellen C Tran	Art Unit 2134	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,651,064	07-1997	Newell, Chester W.	705/51
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.